



CULTIVATING LOCAL PARTNERSHIPS

Certification User Group

Annual Meeting Summary

December 3, 2024



Objectives

- Provide CUG program and policy updates
- Provide policy and funding updates
- Updates on CUG workplan items
- Share new tools to help certified LPA's deliver projects
- Encourage interaction and networking
- Provide interactive environmental training

High St Bikeway, City of Eugene





AGENDA

8:30 am	Informal Networking – Connect with others!
9:00 am	Welcome and Agenda Review
9:20 am	Policy and Funding Update
10:05 am	BREAK – Informal Networking
10:20 am	Standards Subcommittee Report
10:35 am	Process Improvement & Training Subcommittee Report
10:50 am	Certification Program Updates: <ul style="list-style-type: none">• Upcoming Bulletins & Work Underway• Compliance Trends
11:50 am	LUNCH – Order from Little Lois using group number 48162 until 9:30 am.
12:50 pm	Environmental Training #1: NEPA and Cultural Program
2:15 pm	BREAK – Informal Networking
2:30 pm	Environmental Training #2: Hazmat and Bio
3:20 pm	Closing Comments End of Day Survey
3:30 pm	Adjourn





Attendees 130

In Person 84

Virtual 51

First Timers 26

Organization/Agency breakdown:

•Clackamas County	2
•City of Corvallis	2
•City of Eugene	7
•City of Gresham	5
•Lane Council of Governments	4
•Lane County	8
•City of Portland	12
•City of Salem	2
•Linn County	1
•Marion County	7
•City of Medford	1
•Metro	4
•Mid-Willamette Council of Govts	1
•Multnomah County	10
•City of Springfield	6
•Washington County	3
•FHWA	6
•ODOT	38





CUG BUSINESS MEETING



**Recognize
Partnering**



**CUG
Mission & Goals**



**Steering
Committee
Updates**





Certification User Group Mission

Streamline and improve the delivery of certified local public agency federal aid transportation projects for Oregon by:

- Recommending and coordinating training to improve understanding of regulations, requirements, and processes;
- Providing a forum for sharing information and best practices;
- Facilitating ongoing communication and further development of relationships within and among ODOT, federal agencies, and local public agencies; and
- Providing a means for ODOT and local public agencies (LPAs) to improve coordination and efficient use of resources.





CUG Goals

- Achieve a high percentage of projects completed on schedule.
- Promote full obligation of program funds to projects.
- Enable agencies to obtain and/or maintain certification.
- Provide resources to support successful delivery of projects (tools, guidance, training, checklists, etc.)
- Promote understanding of compliance issues and identify trends to increase the success of local agencies.
- Update and streamline standards to simplify compliance and reduce ODOT Oversight.





THANK YOU

2024 CUG Steering Committee

Tiffany Hamilton, ODOT (co-chair)

Ryan Crowther, Marion County (co-chair)⁺

Mark Hardeman, ODOT R1

Kate Dreyfus, City of Gresham

Greg Stellmach, ODOT HQ⁺

Emily Miletich, Multnomah County

Ted Leybold, OR Metro

Katie Marwitz, City of Eugene⁺

Drake McKee, ODOT R2

Satvinder Sandhu, FHWA

⁺*Term expires/renews end of 2024.*





Filling Steering Committee Vacancies: Slate **Approved**



Ryan Crowther

Marion County, new term expires 12/31/2026

Katie Marwitz

City of Eugene, new term expires 12/31/2026

Heidi Shoblom

ODOT State Roadway Engineer, first term
expires 12/31/2026





Welcome to the CUG says, “Jeff must do a Presentation.”

Jeff Flowers, ODOT
Statewide Investments Manager

Policy and Funding Updates



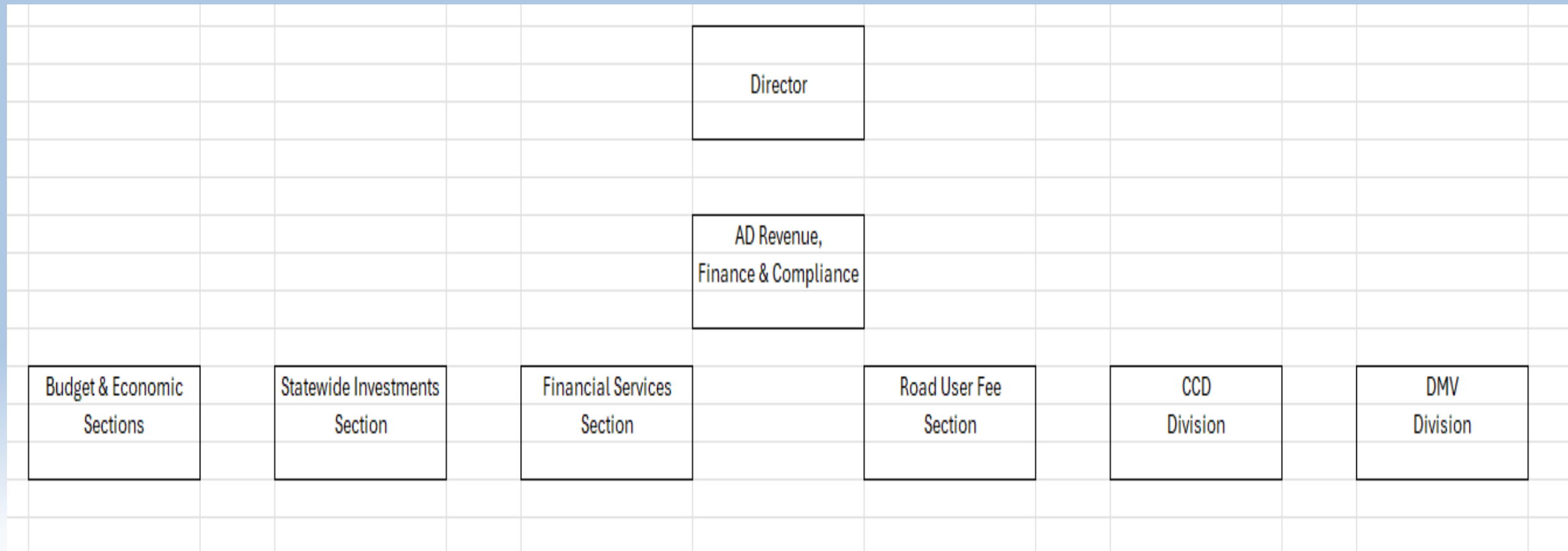


Agenda

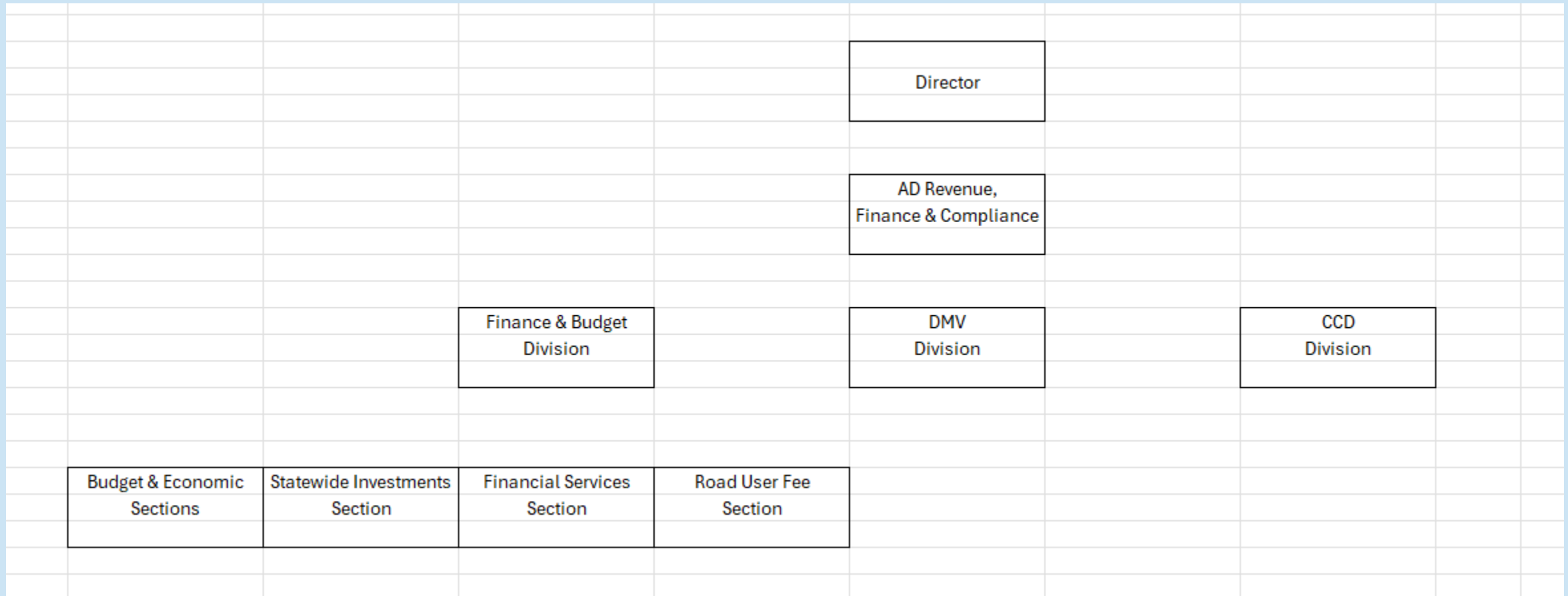
- Organizational Changes
- TMA Obligation Information
- State Funded Local Program
- Fund Exchange
- 10 – Year Rolling investment strategy



Organizational Structure Prior



Organizational Structure Now



TMA Obligations

- Another year of success
- Amounts received:
 - Metro - \$6,733,072
 - SKATS - \$1,006,799
 - LCOG - \$1,049,387

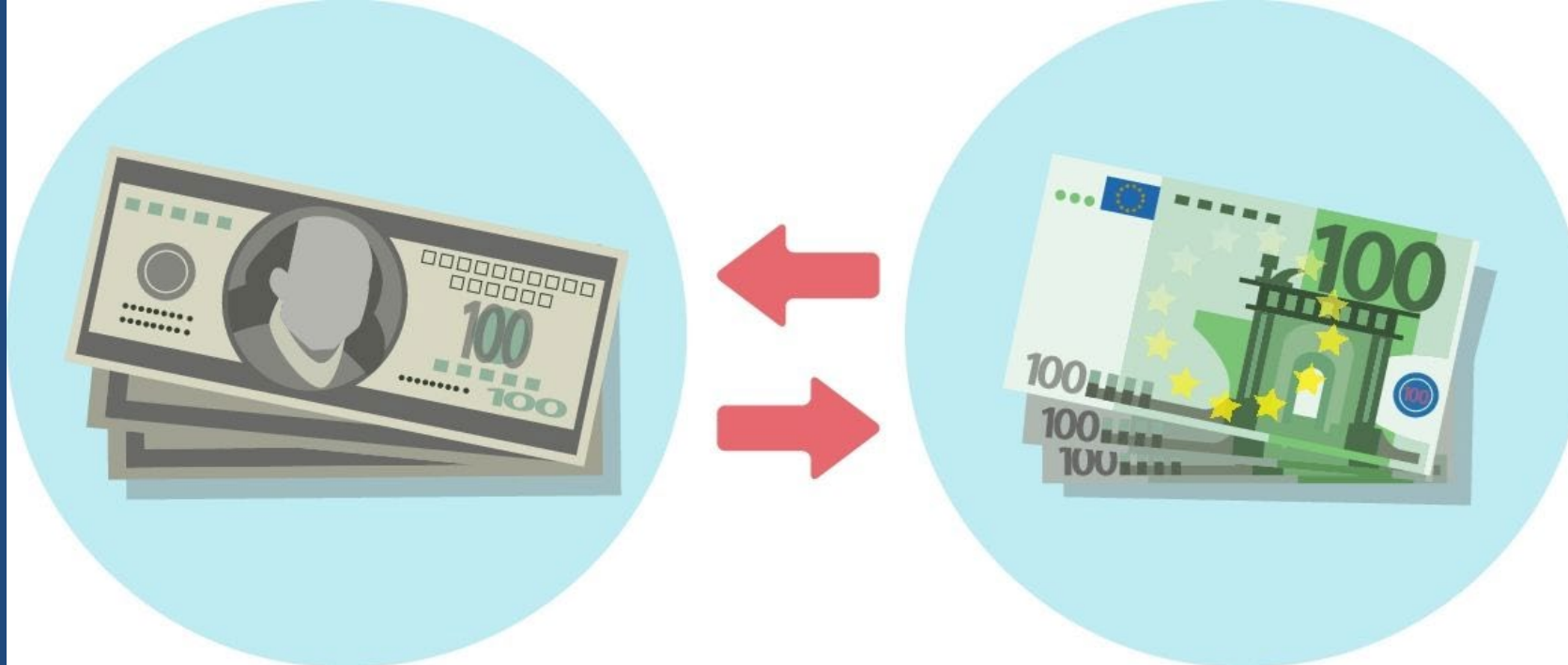


State Funded Local Program (SFLP)

- Continuing but may have more tightening
- Only Local Bridge
- Off-system review



Fund Exchange



- Off and running

- \$35M/year



10 Year Rolling Investment Strategy

- What is it?
- Any impacts to the STIP?



Questions / Discussion

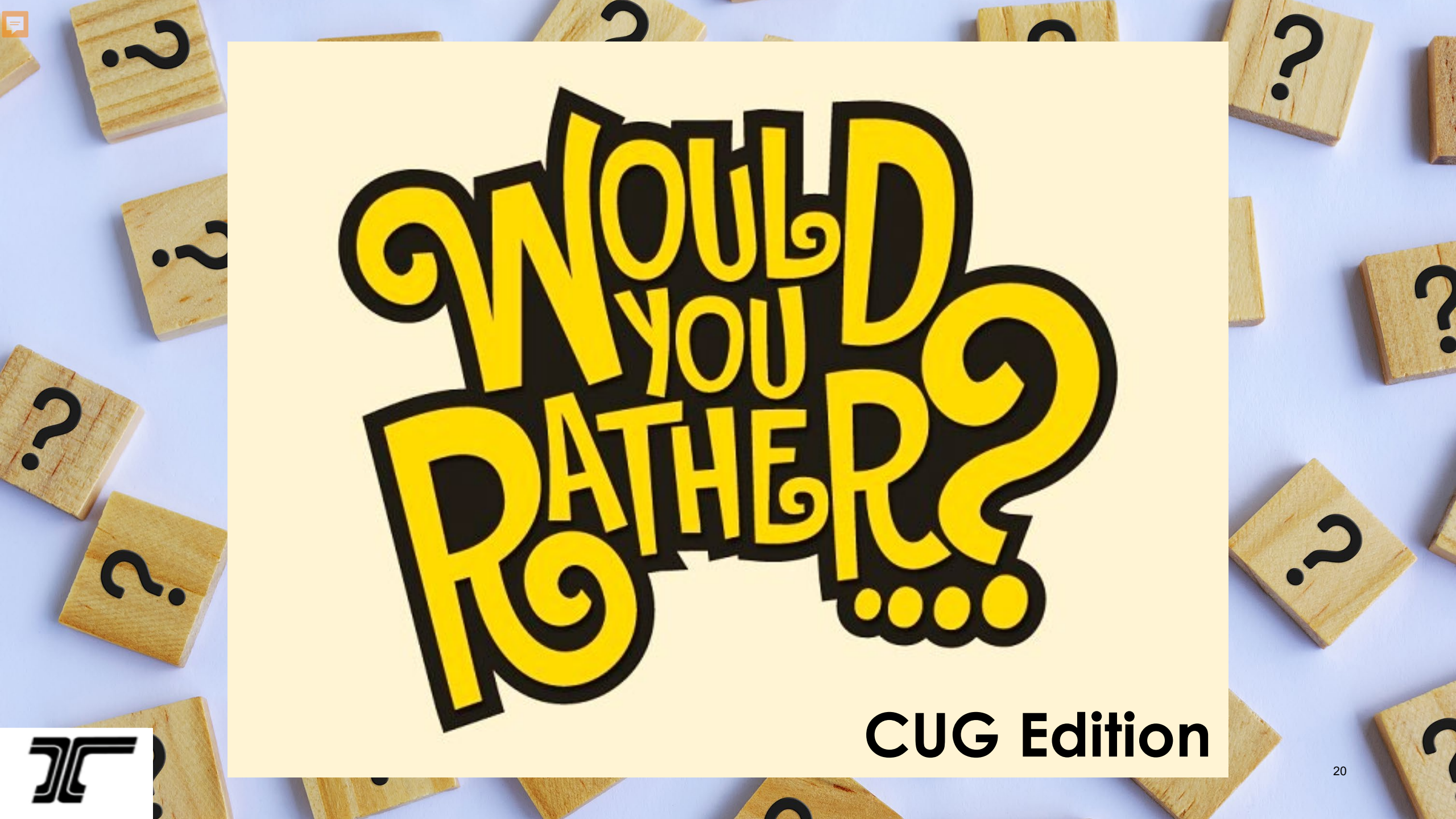


And please vote no to having me speak next time ---- just kidding!



Break Time



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WOULD YOU RATHER?

CUG Edition



CUG

Subcommittee

Updates

Standards

Leads:

- Tiffany Hamilton, ODOT
- Olaf Sweetman, Lane County

Liaison: Tiffany Hamilton, ODOT

Process Improvement & Training

Leads:

- Paul Rudwick, City of Portland
- Hanne Eastwood, ODOT

Liaison: Mark Hardeman, ODOT





Standards Subcommittee

2024 Workplan:

- 2024 Certified LPA General Conditions template - redline revisions issued Aug 2024
- Certified LPA Class of Work Calculator – spring 2025
- Local Agency Guidelines update – chapter reviews scheduled through January, publish spring 2025

2025 Workplan:

Focus on consultant selection updates.

- RFP and contract templates
- LPA A&E and Non-A&E Guide
- Certified LPA Statements of Work
 - Workgroup leads – Mark Foster and Steve Preszler
 - Coordinate with new ODOT Procurement contacts (Joel Sire and Jennifer Barrett)
 - Pivotal Resources support from Tricia Gorton
 - ***Seeking workgroup volunteers!***





Process Improvement & Training

2024 Project: Critical Path Resource





The Definition of “Critical Path”



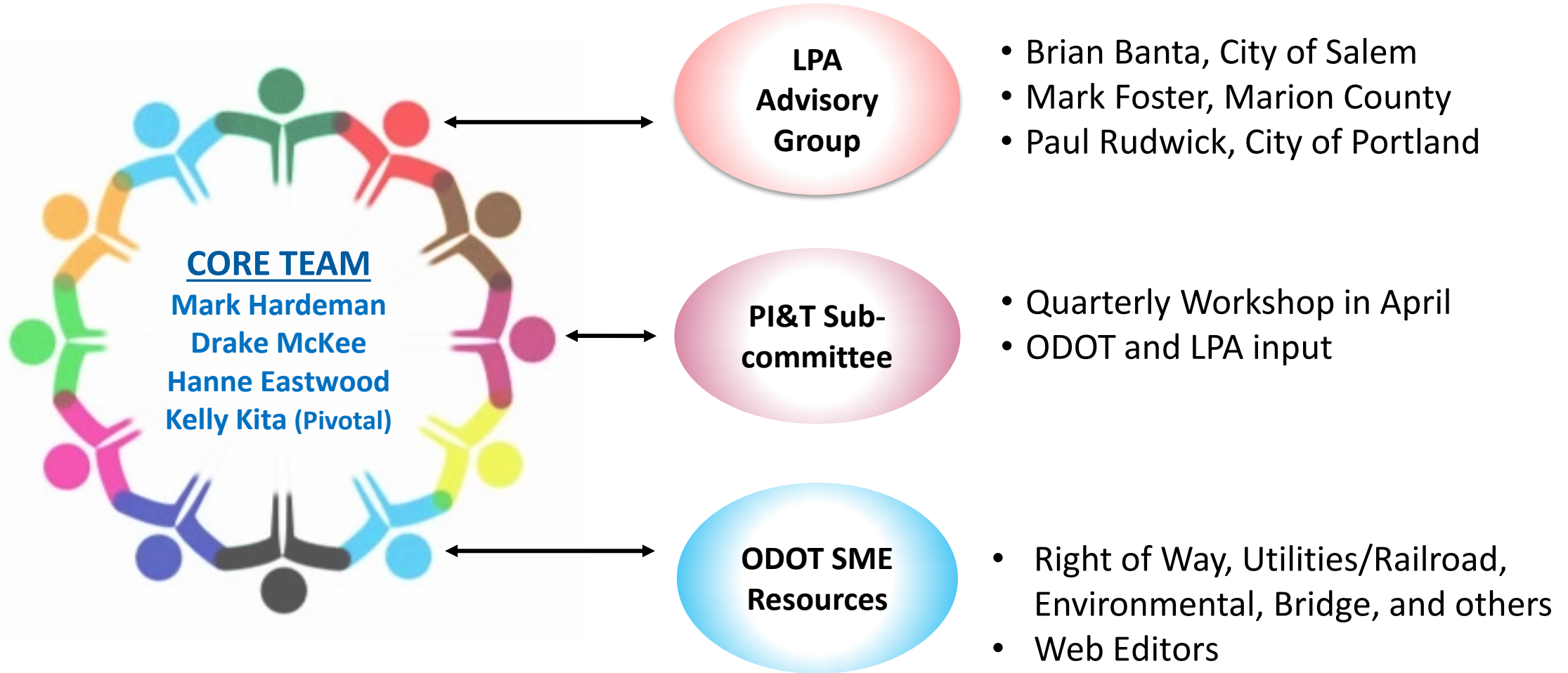
The longest sequence of dependent activities that must be finished on time to complete the entire project.

For our CUG resource, a deliverable or action that:

- Can slow down a project, affecting the ability to meet a deadline or committed date
- Is often a legal or Federal requirement
- Drives our ability to complete a *project* on time, in budget



Team Structure





What Is Our Deliverable?



- **A documented model . . . web-based, with links**
 - e.g., not a PDF that can get stale if people download it to their own systems
 - More visually compelling than a narrative document
 - More flexible for linking people to more or less detail
- **Certification Program Bulletin launching resource with information on how to provide feedback.**





Certified Local Public Agency Critical Path: Initiation to PS&E

<https://www.oregon.gov/odot/LocalGov/Pages/CP2.aspx>




Certified Local Public Agency Federal-aid Projects Critical Path

[Back to Local Government home](#)

Follow Path and Meet Key Milestones

These are the milestones to meet along the project's critical path. Work your way from right to left and down the chart to take the path from project initiation to project implementation. Use links to get specific instructions and documents. If you need help, [contact us](#). Acronyms are spelled out below.

Milestones	Project Initiation	30% Plans	30-60% Plans (Design Acceptance)	100% Plans (Advanced-Final Plans)	PS&E Submittal
 Design (Not on or along State Highway)	<p>Project is fully funded and programmed in current STIP.</p> <p>Key Action: CLPA completes technical scope and submits to ODOT LAL with request for project agreement (SPA).</p> <p>ODOT drafts SPA.</p>		<p>Project design continues.</p>	<p>Key Action: CLPA</p> <ul style="list-style-type: none">finalizes plans in preparation for submitting PS&E package to ODOT. See rows below for specific deliverables and timing.At approximately 90% Plans, submits Civil Rights Request for Goals form 731-0663, engineer's estimate and construction schedule to ODOT OECR.	
	<p>4 – 6 months to execute SPA and request obligation of federal funds.</p>		<p>Key Action: CLPA</p> <ul style="list-style-type: none">drafts design exceptions using agency process.drafts and assembles project special provisions using		<p>Key Action: CLPA submits all required and other applicable submittals</p>





Process Improvement & Training

2025 Next Steps for Critical Path

- Finalize instructions/description on web page
- Launch with bulletin and ability to provide input
- Complete Ad/Bid/Award → Construction → Project Closeout

2025 Training: Consultant Selection

- Focus on consultant selection at 2025 Summer Work Session



Process Improvement & Training

Subcommittee Business

- Thank you, Paul!
- Welcome, Liz!



SW Barbur Blvd Area Sidewalk Infill, City of Portland

Certification Program Updates

ODOT Certification Program Office

**Tiffany Hamilton
and Hanne Eastwood**





Certification Program Updates Overview

- Certification Program Participant Summary
- Bulletins issued since June 2024
- Bulletins anticipated in 2025
- Certification Program work underway
- Compliance Trends



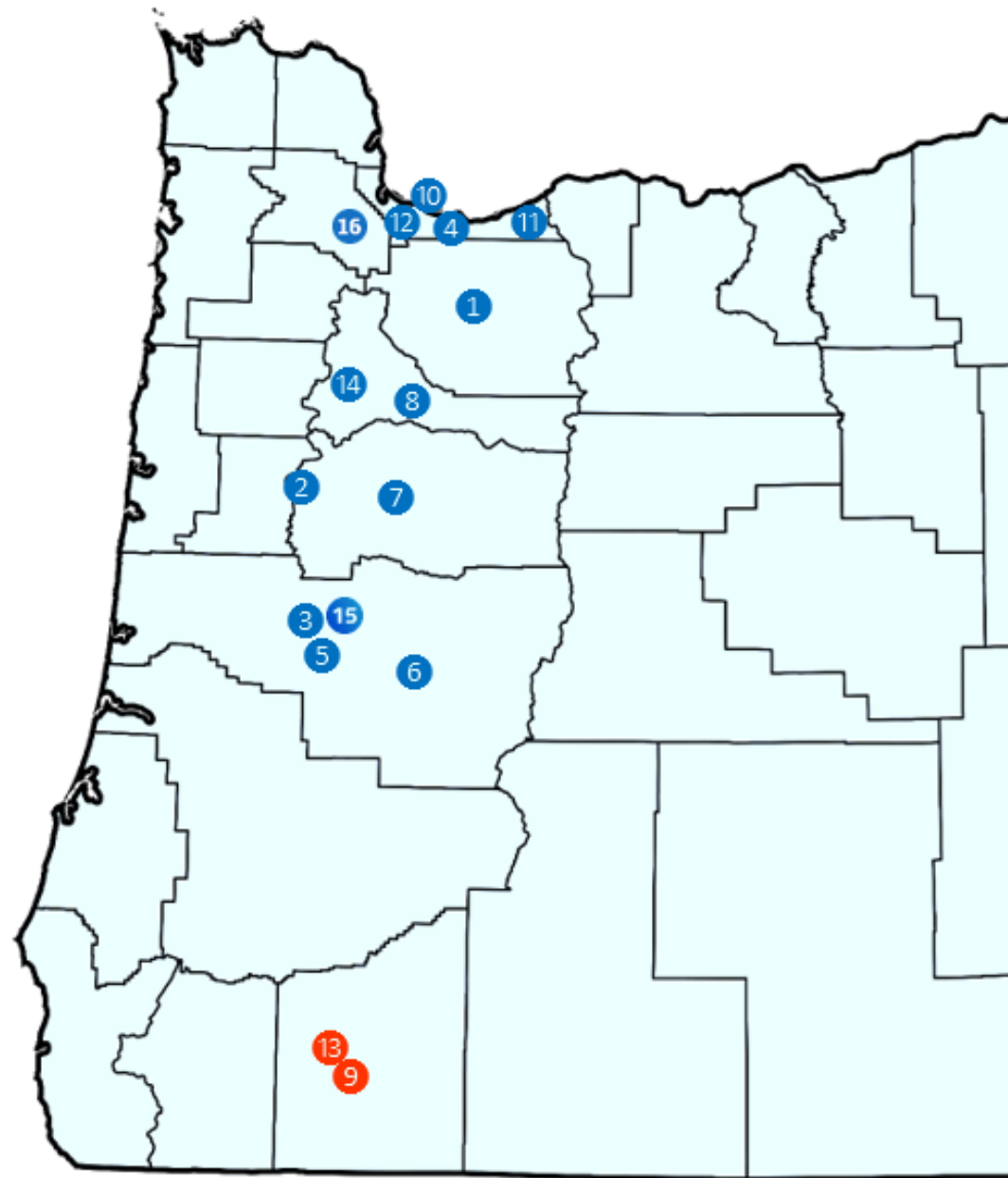


Certification Program Participation

2024-2027 STIP

- 128 Certified LPA Delivered Projects
- \$623.3 M

STIP-FP data as of 11/22/24



PARTICIPATING AGENCIES

1. Clackamas County (P)
2. Corvallis (P)
3. Eugene (P)
4. Gresham (P)
5. Lane COG (C)
6. Lane County (P)
7. Linn County (PB)
8. Marion County (P)
9. Medford (P)
10. Metro MPO (C)
11. Multnomah County (P)
12. Portland (PB)
13. Rogue Valley COG (C)
14. Salem (P)
- ★ 15. Springfield (P)
- ★ 16. Washington County (P)



Certification Types:

(P) Project Delivery (PB) Project Delivery + Bridge Design (C) Consultant Selection for Planning Services only



Certification Program Updates 2024

Bulletins Issued since June 2024

- 101-66-Rev1: 2024 Certified LPA General Conditions Template (Aug)
- 101-47-Rev5: Civil Rights Title VI Program AAR (Aug)
- 101-72: 2024 LAG Update LPA Review Process (Sep)
- 101-53-Rev3: Indirect Costs Rate Approvals (Oct)
- 101-72-Rev1: 2024 LAG Update LPA Review Process (Oct)
- 101-73: CLPA Civil Rights Bidding Documents Checklist (Oct)



Certification Program Work Underway 2024-2025

Anticipated Bulletins:

- 101-TBD: Consultant Selection: Template Updates (TBD)
- 101-TBD: Local Agency Guidelines Manual Update (March)
- 101-60-Rev3: Certified LPA Self-Audits (May)
- 101-47-Rev6: Civil Rights Title VI Program AAR (August)
- 101-54-Rev4: Indirect Cost Allocation Plan / Rates (Fall)
- 101-66-Rev2: 2024 Cert LPA General Conditions Template (TBD)



MORE CERTIFICATION PROGRAM WORK UNDERWAY 2024-2025

2024 Construction Contracting Templates Reviews:

- 8 Approved:
Linn Co., Marion Co., Gresham, Portland, Eugene, Lane Co., Multnomah Co., Salem
- 4 In process:
Washington Co., Medford, Springfield, Clackamas Co.
- 1 TBD: Corvallis

Quality Program Plan Reviews:

- 5 In process:
Medford, Washington Co., Eugene, Linn Co., Portland





LAG Manual Update 2024/2025:

- Revised, Anticipated Schedule
- See, CPO Bulletin [101 72](#) for chapter review instructions.
- Watch for future batch notices via GovDelivery

Bold denotes chapters slated for additional, future improvement efforts.



Batch	Section, Chapter, Title	Review
0	C6: NEPA/Environmental	Jun. 2024
1	C: Overview Page	Sept. 2024
	C1: Planning & Program Dev.	Sept. 2024
	C9: General Design Req'ts	Sept. 2024
	C10: Design Approval	Sept. 2024
2	C3: Progress Billings	Oct. 2024
	C4: Consult. Select. & Admin.	Oct. 2024
	C5: Access Management	Oct. 2024
	C8: Civil Rights	Oct. 2024
3	C7: Right of Way Procedures	Nov. 2024
	C16: Const. & Contract Admin	Nov. 2024
	C17: Project Closeout	Nov. 2024
4	C2: Project Initiation	Dec. 2024
	C11: Utilities	Dec. 2024
	C12: Railroad	Dec. 2024
	C14: PS&E	Dec. 2024
	C15: Ad., Bid & Award	Dec. 2024
5	A: LAG Overview	Jan. 2025
	B: Cert., Compliance & Oversight	Jan. 2025
	C13: Bridge Select., Scop. & Design	Jan. 2025
	D: Resources Directory	Jan. 2025
Final	LAG Update Publication	QR1 2025



Civil Right Bidding Checklist

Form 734-5460

- Bulletin 101-73 (October 29, 2024)
- **Required** to submit to OECR with bidding documents prior to PS&E
- **ACTION:** Make any necessary updates to Quality Program Plans to reflect this change.
- Provides links to current civil rights bidding provisions and forms



PROJECT NAME:	[]		
PROJECT KEY #:	[]		
REVIEW DATE:	[]		
DBE GOAL:	[]		
OJT GOAL:	[]		

Purpose:
The Local Agency Guidelines for Certified Local Public Agencies (LAG manual) Section C, Chapter 8 requires submission of bidding documents to ODOT Office of Equity & Civil Rights (OECR) for review prior to PS&E. If the project must be rebid, the bidding documents must be resubmitted with a revised checklist.

Checklist Instructions to Certified LPAs:

- Use the current provisions linked on the checklist below. If a link is no longer active, reach out to ODOTCertification@odot.oregon.gov.
- Confirm the version date included in the bidding documents is the same date as the version linked on the checklist (*verify within three days prior to submitting this checklist*).
- Do **not** revise the ODOT Civil Rights Programs provisions or forms.
- **Keep the ODOT footer intact** (except for page numbers) when inserting civil rights programs provisions, forms, or processes in the Certified LPA's bidding documents.
- Do **not** include any local diversity program provisions, goals, or targets in the Certified LPA's bidding documents.
- Complete all light gray shaded cells and sign the checklist. A Certified LPA Project Manager and QA reviewer must sign the checklist.
- Submit checklist and bidding documents to OCRINFOREQUEST@odot.oregon.gov and copy the ODOT LAL. Within around 5 business days of receipt, Civil Rights verifies the checklist is complete and accurate, the DBE goal and OJT goals are correct, the version dates are correct, and the Certified LPA signed the checklist.

Bidding Provisions and Forms			Version date	CLPA's Document Name & Page Number
1	BB35 DBE COMMIT REQ	DBE Commitment Requirements	[]	[]
2	BB38 DBE COMMIT CERT	DBE Commitment Certification & Utilization Form	[]	[]
				37

Compliance Trends & Tips



Temporary Pedestrian
Accessible Routes
(TPAR)



Consultant
Selection/Procurement
Training and
Qualifications
Requirements



Quality/Quantity
Documentation and
RAS Reviews



WOULD YOU RATHER?

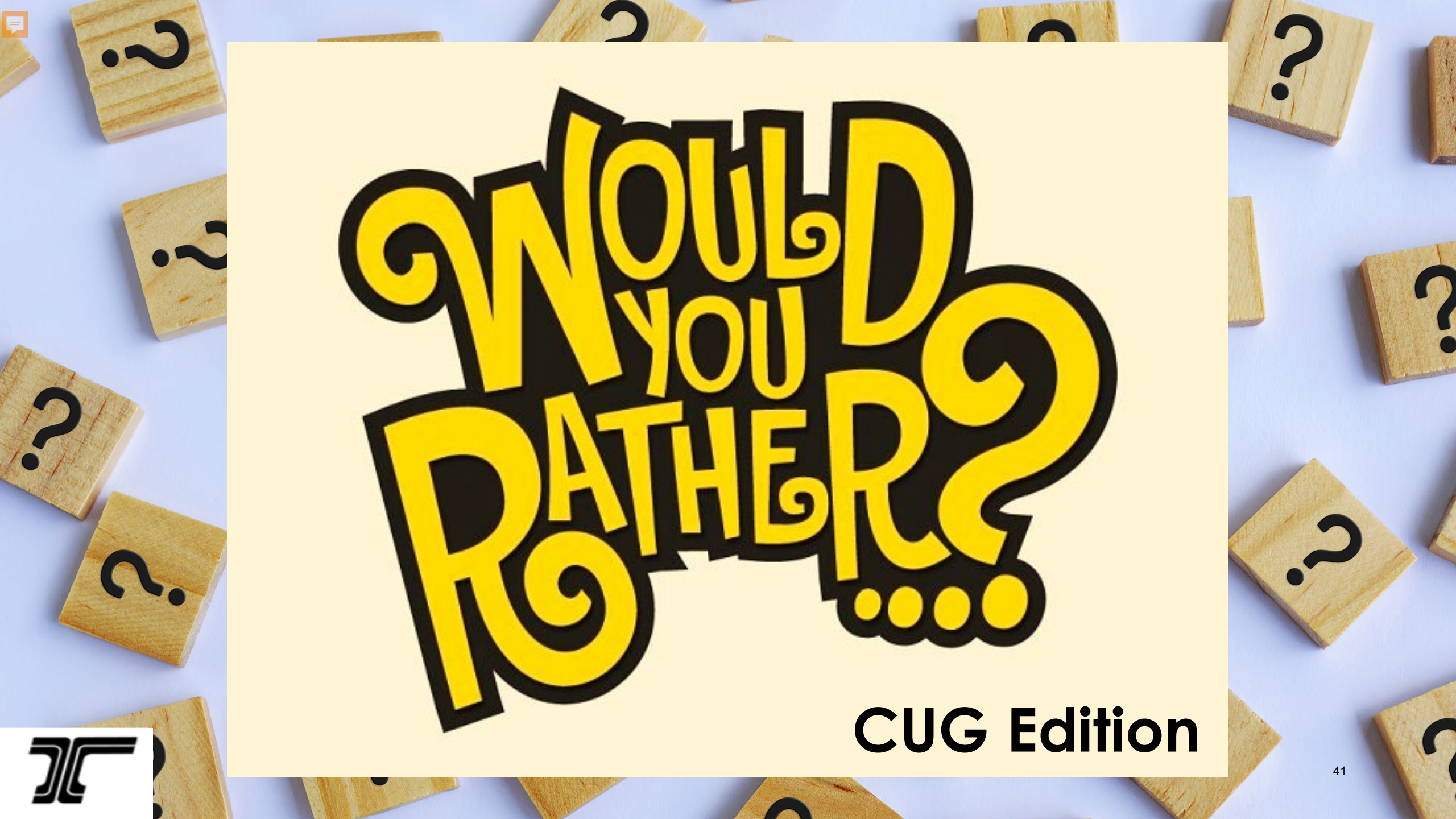
CUG Edition





Lunch!
Back at 1:00_{PM}



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WOULD YOU RATHER?

CUG Edition



Environmental Training Topics



- NEPA
- Cultural Program
- HazMat
- Biology

An interactive discussion with certified LPA staff to follow each topic.



Environmental Training – Topic 1: NEPA

Doug Sharp

- Environmental Coordinator, ODOT ADA Program
- 20 years with ODOT
- 18 years serving as Region Environmental Coordinator (REC), Biologist, Stormwater Specialist and Environmental Permits Specialist for Region 3.



What is the National Environmental Policy Act (NEPA)?

- 1970 statute requiring Federal agencies to consider and disclose impacts on the environment in a systematic way
- A procedural law (a step-by-step decision-making process) that allows for “**environmental review**”
- Comprehensive framework to comply with all other federal, state and local laws
- NEPA provides a forum for Interested Party (public and agency) involvement
- **NEPA is a ‘good decision-making’ tool/playbook**

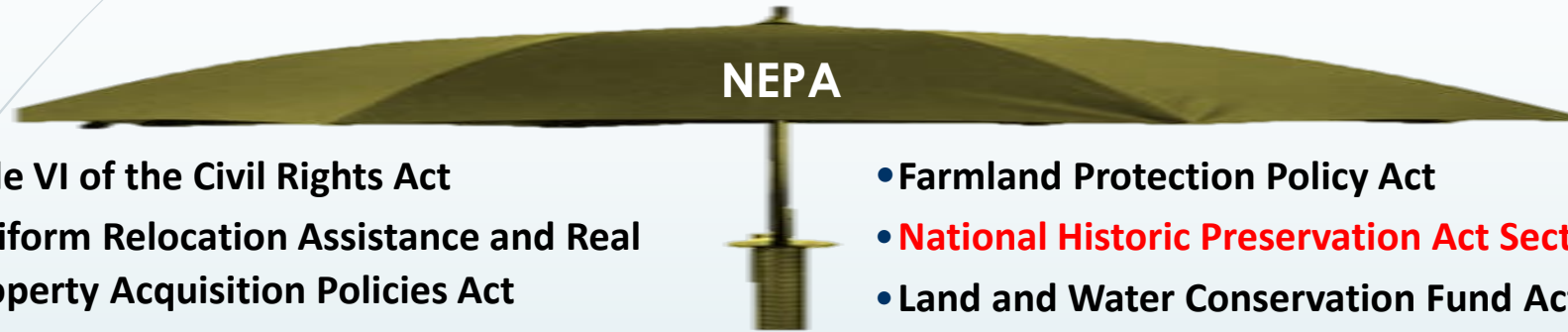




Federal Nexus = NEPA

1. Funded by
 2. Regulated by
 3. Conducted by
 4. Approved by
 5. Permitted by
- ... a Federal Agency

NEPA Covers Many 'Substantive' Laws a.k.a. "Umbrella Law"



- Title VI of the Civil Rights Act
- Uniform Relocation Assistance and Real Property Acquisition Policies Act
- Americans with Disabilities Act
- **E. O. 12898 (Environmental Justice)**
- **Section 4(f) of 1966 U.S. DOT Act (49 USC 303)**
- Clean Air Act and amendments
- **Endangered Species Act Section 7**
- **Migratory Bird Treaty Act**
- **Clean Water Act Section 401(b)**
- E. O. 11988 (Floodplain Management)
- Resource Conservation and Recovery Act
- Comprehensive Environmental Response, Compensation and Liability Act
- **Clean Water Act Section 404**

- Farmland Protection Policy Act
- **National Historic Preservation Act Section 106**
- Land and Water Conservation Fund Act Section 6(f)(3)
- Wild and Scenic Rivers Act
- **Clean Air Act and amendments**
- **Highway Noise Standards**
- **Public Involvement Requirements**
- NEPA case law

In Oregon:

- **Land Use Actions / Goal Exceptions**
- **Fish Passage Statute**
- **Removal/Fill Law**
- **AND MORE, including state and local requirements...**



NEPA “Class of Action”

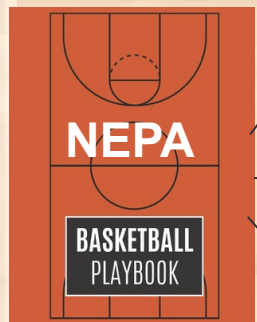
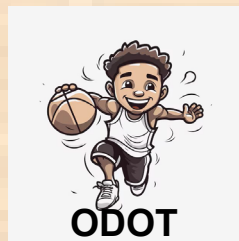
- Class 1 – Environmental Impact Statement
 - Significant impacts, complex, controversial
 - Required to study a *range* of build alternatives
- **Class 2 – Categorical Exclusion (CE) or Programmatic CE (PCE)** (*most Local Projects fit*)
 - **Impacts not significant**
 - **EA or EIS not required, but environmental work usually needed to avoid, minimize, and mitigate impacts**
- Class 3 – Environmental Assessment
 - Determines Significance and if an EIS is required
 - Not required to study more than one build alternative



FHWA



CE/PCE



EA



EIS



Environment



How to Efficiently Navigate the CE/PCE Process

“Score on the Fast Break”

1. Learn the CE/PCE Playbook.
2. Learn the rules and regulations. (Avoid, Minimize, Mitigate)
3. Coordinate, Coordinate, Coordinate
 1. Call the ODOT Region Environmental Coordinator (REC) early and often!!!

Learn the CE/PCE Playbook



- Become familiar with the FHWA and ODOT Programmatic Agreements.
 - ODOT has 3 major **environmental clearance** “Programmatic Agreements” with several state & fed agencies (streamlines approval processes)
 - Federal Aid Highway Program (FAHP) programmatic for ESA impacts
 - Programmatic Agreement with SHPO for Section 106 (Cultural Resources)
 - Programmatic Agreement (PA) with FHWA for certain CE project types (PCE).
- NEPA Manual <https://www.oregon.gov/odot/GeoEnvironmental/Pages/NEPA-Manual.aspx>



So, what are “PCEs”?

Most state DOTs have Programmatic Agreements (PAs) with FHWA for certain CE project types.

- The “PCE Agreement” allows ODOT to “approve NEPA” for those projects on behalf of FHWA
- FHWA does not need to “review or approve NEPA” for PCE types of projects (saves time!)
 - Projects must fit several conditions, a.k.a. “PCE kickouts”

Impact Thresholds of the 2015 PCE Agreement (PCE Kickouts)



- 1. Involve unusual circumstances as described in 23 CFR 771.117(b)?
- 2. Involve the use of properties protected by Section 4(f) that requires preparation of an Individual Section 4(f) Evaluation?
- 3. Result in a determination of “Adverse Effect” on historic properties under Section 106 of the National Historic Preservation Act?
- 4. Require a U.S. Coast Guard permit?
- 5. Require an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act?
- 6. Result in an increase in the designated regulatory floodway elevation, or an increase of more than 1 foot of surface water elevation in the 100-year floodplain?
- 7. Require a Wild and Scenic River Section 7 determination from the administering agency?
- 8. Result in changes that substantially affect traffic patterns temporarily or permanently?
- 9. Require the acquisition of more than minor amounts of right-of-way or displacement of owners and/or tenants?
- 10. Fail to conform to the Air Quality State Implementation Plan?
- 11. Require project-level formal consultation under Section 7 of the Endangered Species Act?
- 12. Require an exception to Oregon Statewide Planning Goals?
- 13. Be controversial?

FHWA NEPA & Project Development Overview

Planning

- identify critical environmental issues

Environmental (NEPA) Scoping

- establish Area of Potential Impact (API)
- identify all environmental issues and compliance requirements
- identify probable class of action (CE, EA, EIS)
- **prepare Environmental Prospectus**

Conduct environmental studies

- as appropriate to scope of action
- environmental resources inform design
- coordinate with jurisdictional agencies
- **sign CE Closeout or PCE Determination (PCED)**

Obtain clearances / approvals (set final footprint/API)

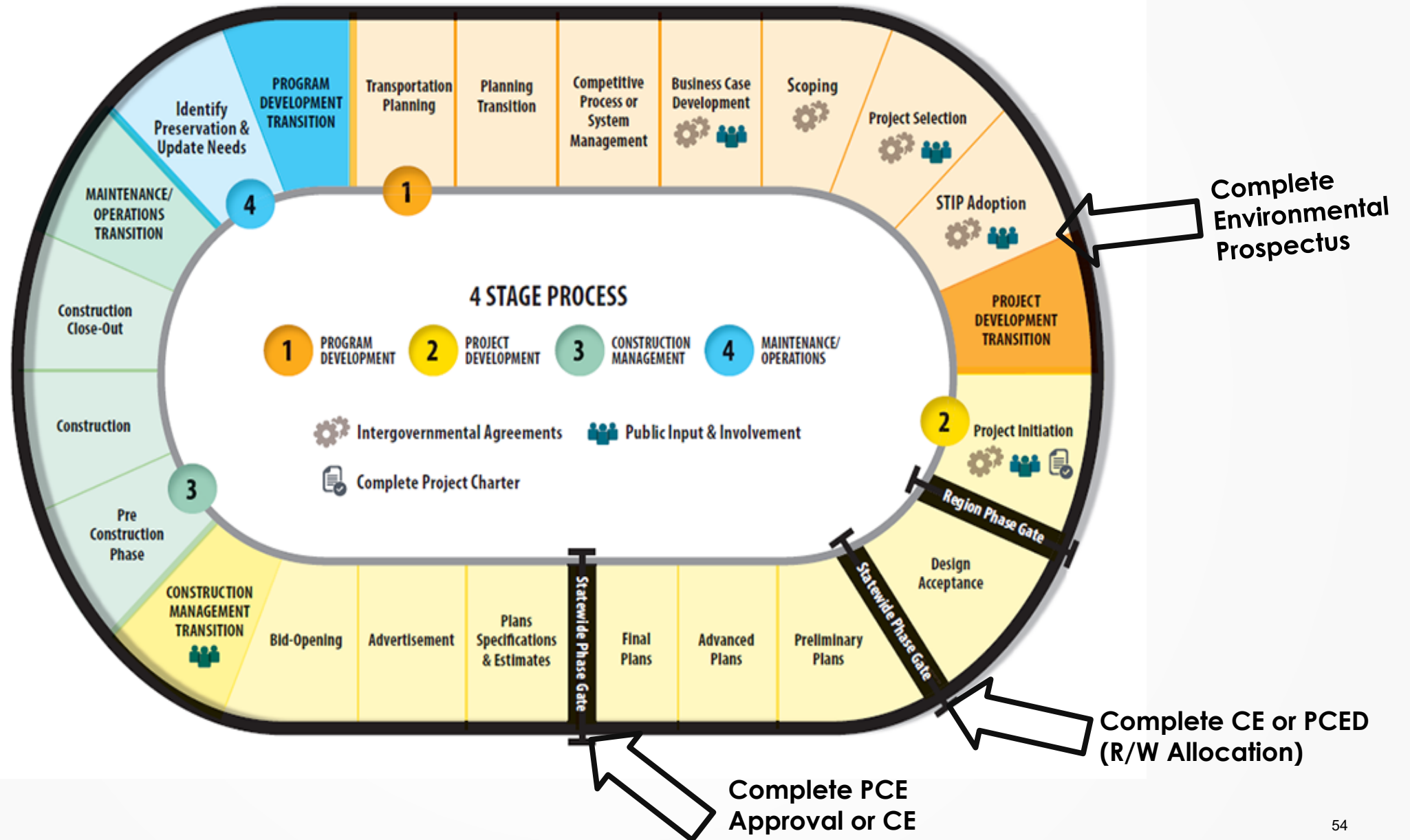
Document CE/PCE rationale

- complete CE Closeout / PCE Approval package
- document environmental commitments
- FHWA or ODOT signature concludes CE / PCE process

Environmental Review Process



TRANSPORTATION SYSTEM PROJECT LIFECYCLE



Learn the rules and regulations. (Avoid, Minimize, Mitigate)



- Planning/Scoping (w/Environmental lens)
 - Note potential Environmental hurdles during the early scoping process.
 - ✓ Helps create a realistic budget
 - ✓ Helps minimize risk to scope
 - ✓ Helps minimize risk to schedule
- ❖ Tip – Huddle up with the REC early in the process.

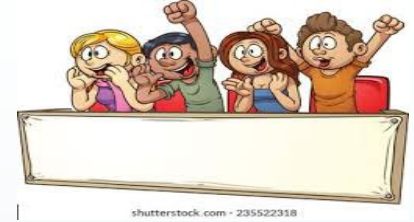
Typical Rules and Regulations (Avoid, Minimize, Mitigate)



Typical ODOT/LPA FHWA Projects require clearances for...

- Biological Resources
- Wetlands & Waters
- Stormwater
- Archaeology
- Historic Resources
- Land Use
- Socioeconomics
- Parks and Recreation
- Air Quality
- Hazardous Materials
- Floodplains
- Hydraulics
- Geology and Soils
- Traffic Noise
- Environmental Justice
- Right of Way
- Traffic Impacts
- Fish Passage

Agency Coordination & Consultation



TRIBAL – all 9 federally recognized Tribes

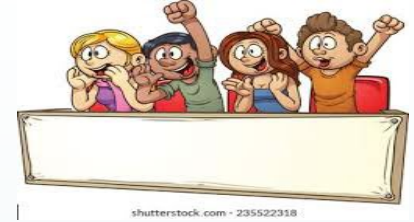
FEDERAL AGENCIES *(not all listed)*

- U.S. Fish and Wildlife Service (*ESA*)
- National Marine Fisheries Service (*ESA*)
- U.S. Army Corps of Engineers (*Sec. 404 CWA*)
- FHWA (Parks & Historic Resources) (*Section 4(f)*)
- FHWA Noise Rule
- National Park Service – Parks & Rec Areas (*Section 6(f)*)

STATE AGENCIES *(not all listed)*

- Department of Fish and Wildlife (*404 and Fish Passage*)
- Department of State Lands (*Removal Fill Law*)
- Department of Environmental Quality (*NPDES, Air Quality*)
- State Historic Preservation Office (*Sec. 106*)

Coordination is Key



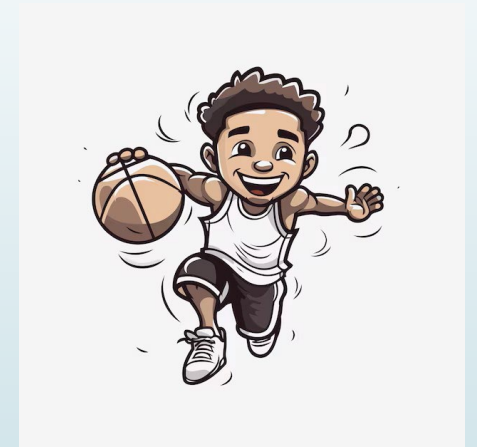
- Interested Party Coordination
- Public Involvement
- Regulatory Agency Coordination
- Tribal Coordination
- FHWA Coordination
- ODOT Coordination—*early, often, any time you have a question!!*

Coordination is Key

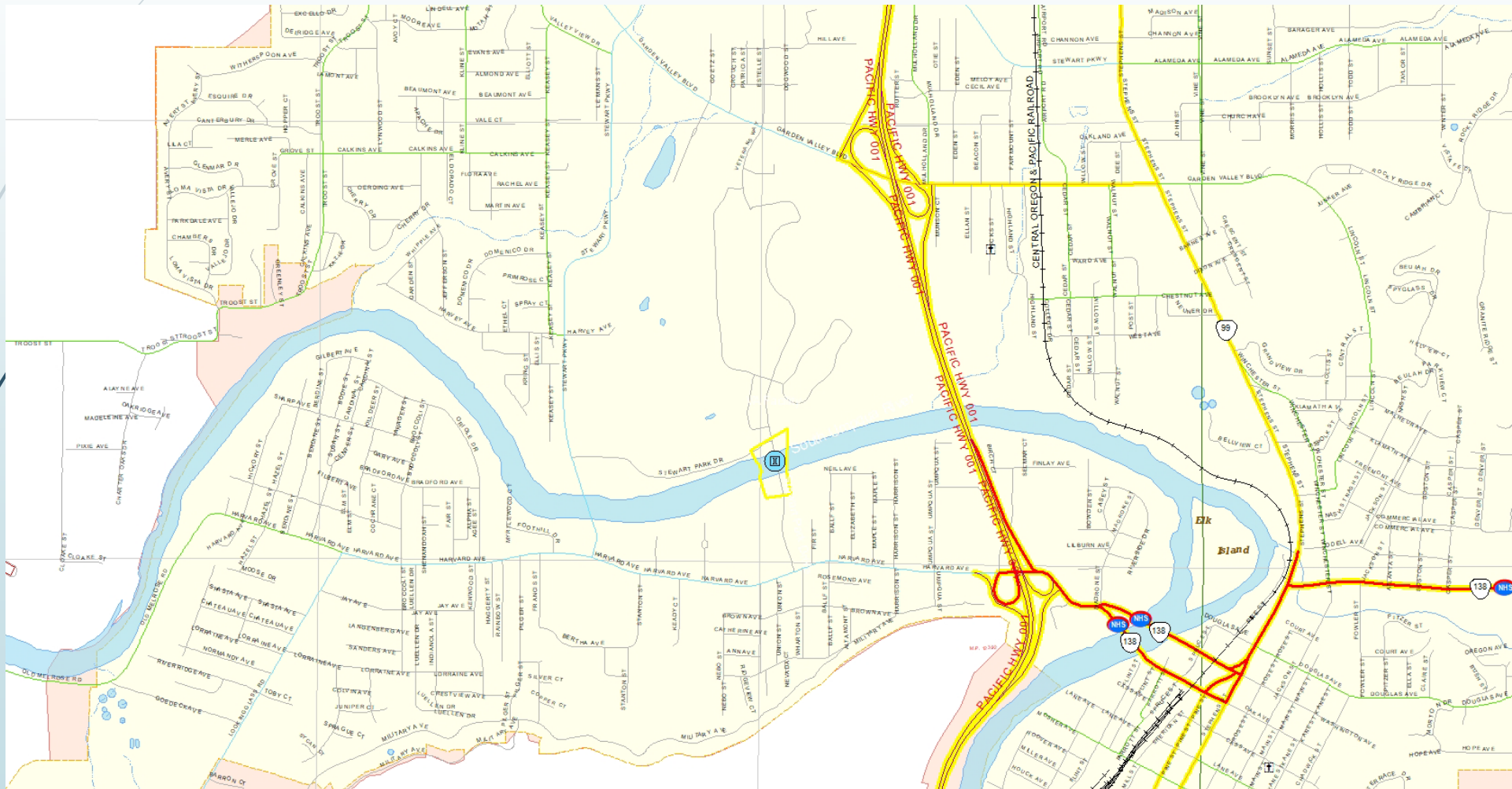
- Early Coordination W/REC (Common Theme)
 - If applicable, schedule a pre-kickoff meeting with REC and ROW to collaborate on the Prospectus and API/APE.
 - Identify
 - ✓ Staging Areas
 - ✓ Access Roads
 - ✓ Traffic and Pedestrian Detours
 - Identify Advance Investigations
 - ✓ Geotech Drilling
 - ✓ HazMat Sampling

Final Thoughts on Winning the NEPA Game

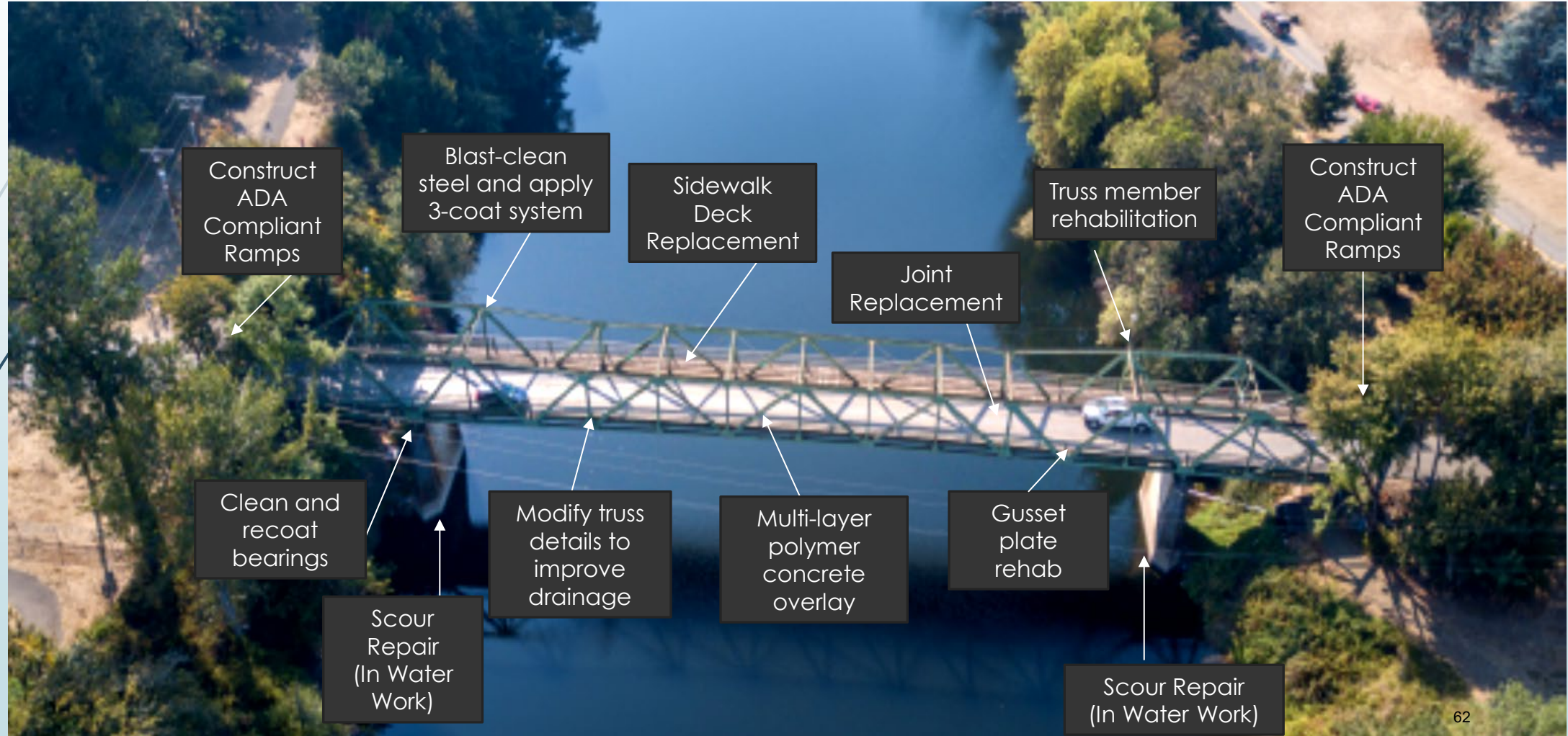
- Include environmental scoping in Local Planning (Scope w/environmental lens)
- Engage ODOT environmental staff early
- Identify environmental constraints early
- Engage regulatory agencies early
- Address issues and concerns as they arise
- Manage scope creep and project changes
- Foster effective communication—engage often!!



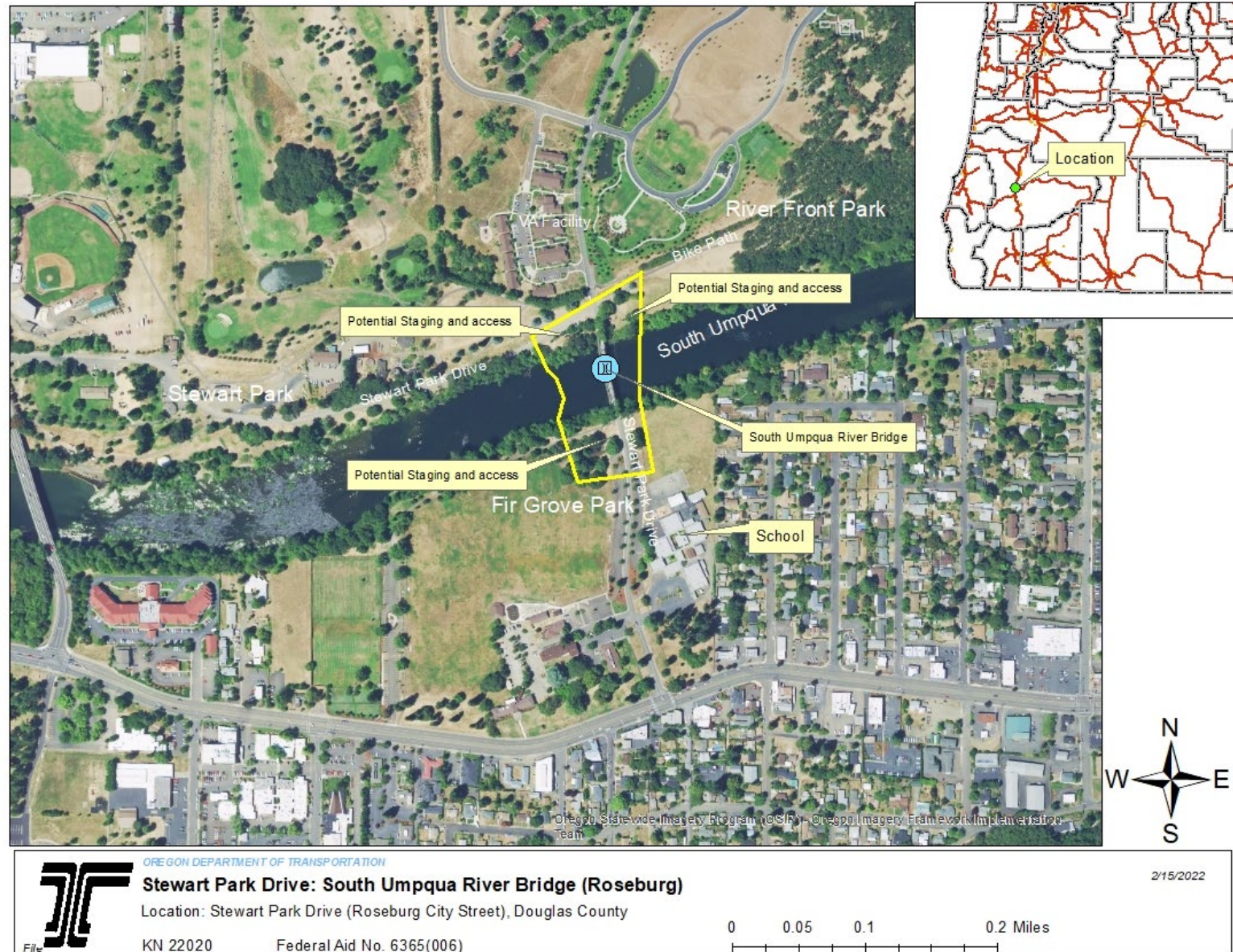
Stewart Park Drive: South Umpqua River Bridge (Roseburg)



Stewart Park Drive: South Umpqua River Bridge (Roseburg) – Bridge Rehab



Stewart Park Drive: South Umpqua River Bridge (Roseburg)



Stewart Park Drive: South Umpqua River Bridge (Roseburg)

Historic Bridge considered eligible/significant. Adverse Effect? Section 4(f)?

Coast Guard jurisdiction: concurrence only.

Archaeology: Known artifacts. Probing likely required. SHPO permit? Avoidance or recovery?



ESA: FAHP (SWMP/In Water Work)
Corps NW Permit
DSL Gen Permit
Hazmat Testing/Reporting

Potential Road Closure/Detour Potential Impacts to School and VA hospital (Interested Party Coordination)

Parks and bike-paths: Section 4(f)?
Use, de minimis, temp occupancy?
Section 6(f) in play
(Interested Party Coordination)

Questions



Environmental Training – Topic 2: Cultural Program

Roy Watters, M.A.

- Archaeologist & Tribal Liaison
- 9 years with ODOT
- 20+ years as an anthropologist
- Professional Certificate in Tribal Relations
Institute for Tribal Government and Center for Public Service, Mark O. Hatfield School of Government at Portland State University.

Works with federally recognized tribes to address resource issues including archaeology, traditional cultural properties (TCPs), tribal gathering areas, and treaty rights.

Represents ODOT and FHWA in government-to-government consultation with tribal staff, committees, and councils related to the development of transportation projects.

Private sector experience in cultural resource management and corporate anthropology. Academic researcher and teaching faculty experience. Primary areas of interest include anthropology, history, Native America, Latin America, and ecosystem services.





Archaeology and Historic Resources CUG Annual Meeting (2024)



Roy Watters
ODOT Archaeologist & Tribal Liaison



Presentation Overview

- National Historic Preservation Act (Section 106)
 - ❖ Our inter-agency process for compliance
- Timeline for Geotechnical Compliance
- Establishing the Area of Potential Effects
- Consultation with Tribes and other Consulting Parties
- Coordination between Cultural Resource Firm and ODOT CR Specialists

National Historic Preservation Act (NHPA)

Section 106

- System of “procedural” steps
- Three basic concepts:
 - Consultation
 - ODOT Cultural Resource Specialists
 - Identification
 - Local Agency’s Cultural Resources Firm
 - Effects
 - ODOT Cultural Resource Specialists
 - SHPO Concurrence
 - FHWA Oversight





Programmatic Agreement (PA)

- Goal: Streamlining Section 106 (NHPA) process for Federal-Aid Highway Program in Oregon
- Partners: ODOT, FHWA, Oregon SHPO & ACHP
 - ODOT CR Specialists delegated FHWA Section 106 Responsibilities
 - PA Applies to No Effect Findings (No Resources Present)
 - Effects to Historic Resources triggers traditional Sec 106 process
- Many Local Agency Projects Cleared Under PA



Requirements for Geotechnical Explorations

- Submit Geotechnical Testing Plan to ODOT REC
 - **Minimum** 45 Days In Advance of Testing
 - Type of Testing (drilling v. excavations)
 - Depict Access Routes and Staging Areas (off roadway)
- Off Pavement Testing Requires Tribal Consultation
 - 30 Day Waiting Period for Tribes
- Sensitive Areas May Require Archaeology Fieldwork or SHPO
Concurrence *in Advance of Testing*
- Written Clearance Issued by ODOT Archaeologist
 - An Archaeological Monitor May Be Required

Most of the time it's:





Sometimes it's:



- It is always early in a project
- Start Right Away



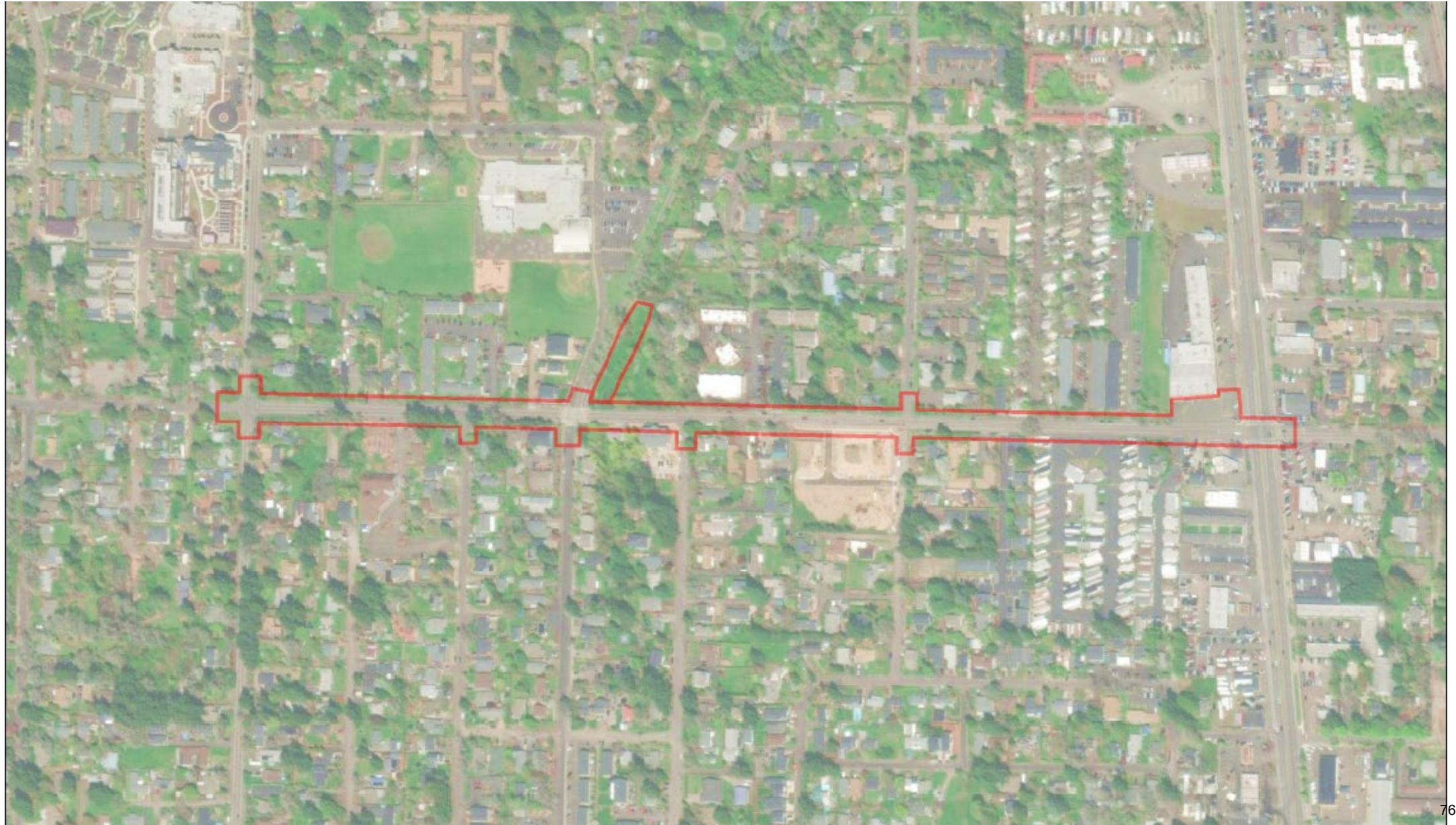


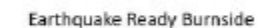
Area of Potential Effects (APE)

- Project Footprint (API) is key to developing APE
- Cultural Resources Firm develops APE
 - Depicted on maps and spatial data in GIS shapefile/kmz
- ODOT REC and CR Staff review and concur
 - Verifies the area that needs to be evaluated and avoids remobilization
- APE covers limits of potential effects for archaeology and built
 - Project footprint for archaeology v. adjacent tax lot boundaries for built
- APE may expand for visual effects, historic districts, tribal sites (TCP)



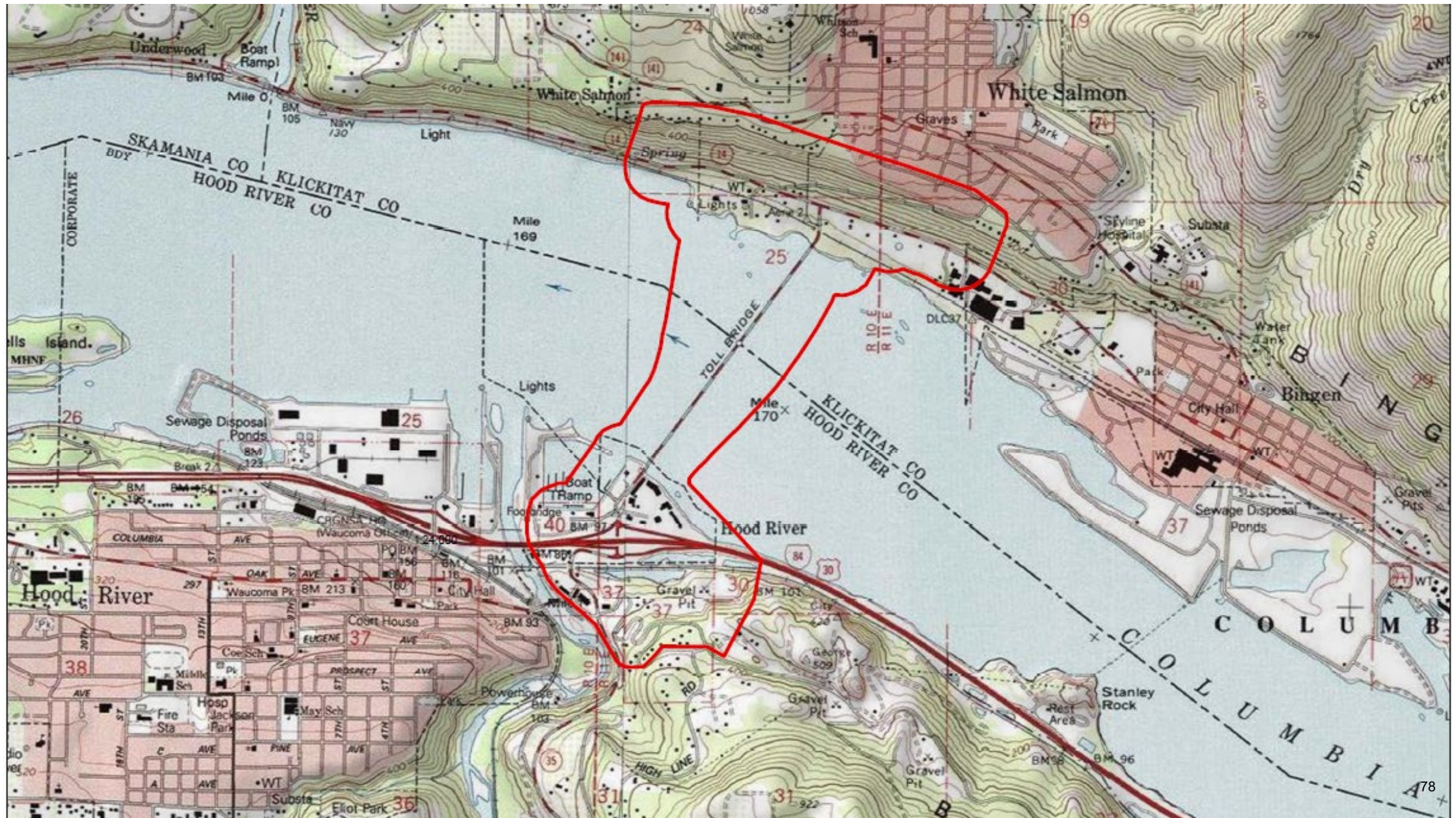
Oregon Department of Transportation: *A Century of Service*







Oregon Department of Transportation: A Century of Service





Consultation with Tribes and other Consulting Parties

- ODOT Archaeologist Consults with Federally-Recognized Tribes
 - Tribes are sovereign nations with Government-to-Government relationship
- ODOT Historian identifies any other Consulting Parties
- ODOT Archaeologist and Historian consult with SHPO Liaison
- Responsibilities Delegated from FHWA to ODOT CR Specialists
- Cultural Resources Firm role is coordination
 - SHPO Permits, Research in Tribal Archives, Research with key Stakeholders
- Cultural Resources Firm's Deliverables (APE, reports) are part of Consultation



Cultural Resource Firm and ODOT Specialists Coordinate

- Agency and Consultant coordination is key to success
 - Especially important when historic resources are present
- Joint meetings and site visits may be required to navigate process
- Coordination with CR Specialists reduce unnecessary work and costs
- Coordinate on the APE early in project development
- Archaeological site data is protected from public disclosure by law
 - Should limit the distribution chain of archy reports
 - Local agency and consultants should keep records secure



Questions?



Break
Time!



WOULD YOU RATHER?

CUG Edition



Environmental Training – Topic 3: Hazmat

KYLE ROSLUND, RG

- Region 2 Senior HazMat Geologist
- 3.5 years with ODOT

Kyle came to ODOT with approximately 15 years of consulting experience, focusing on site investigation and project management.

Kyle's background includes working on large Superfund site projects, mine waste assessment and reclamation, hazardous building materials assessment, and health and safety planning.





HazMat Best Practices for Local Agencies

Kyle Roslund, ODOT





Topics:

- Why do you need HazMat assessments?
- Tips on deliverables, typical concerns, problems, and assumptions
- Example – Assessment vs. Assume Contaminated



Why Assess?

- Understand Liability
- Navigate Regulatory Requirements
- Worker Safety
- Waste Management
- Required for Federal Funding



Statement of Work

- Background report – Right-of-Way Acquisition and/or Ground Disturbance
- **Hazardous Materials Corridor Study**
- ASTM Phase 1 Environmental Site Assessment
- Level 1 Initial Site Assessment
- Minimal Assessment Memo





Statement of Work

- Active, Reserved or Contingency?
 - Shoulder Soil Investigation
 - Asbestos Survey/Structure Survey
 - Geophysical Survey
 - Site Specific Investigation





Hazardous Materials Corridor Study

- Initial Background Report
- Needed on almost every project
- Use qualified consultants
- Exceptions



What is Shoulder Soil?

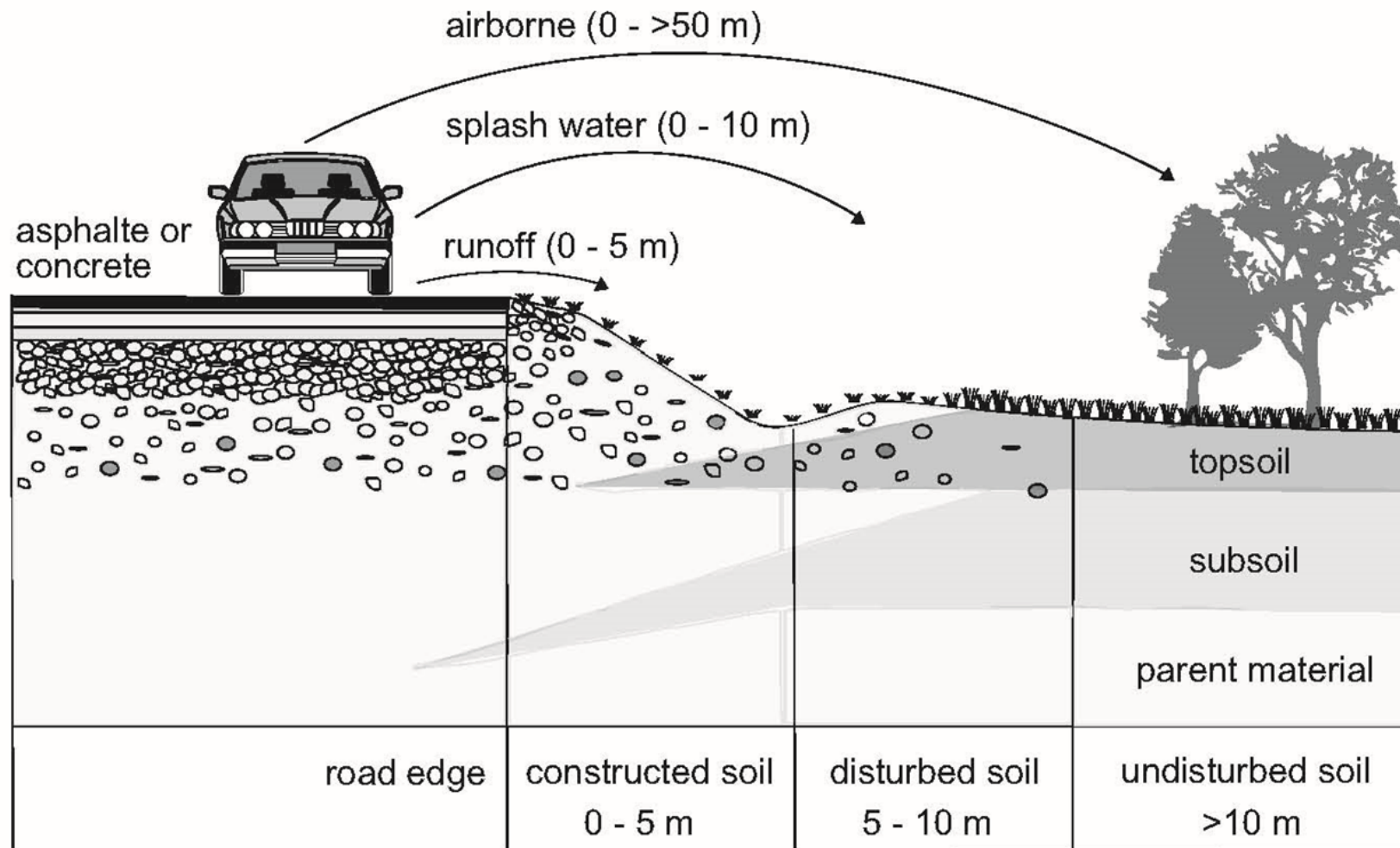


Fig. 1. Schematic sketch of a roadside environment and pathways for pollutant dispersion.



Not Shoulder Soil





Shoulder Soil

- Beneficial Use Determination (BUD)
- Metals and Polycyclic Aromatic Hydrocarbons (PAHs)
- Reuse based on location
- Shoulder soil impacted by a feature, use, or “site” is no longer shoulder soil
- Assume it’s dirty – but someone will have to sample it at some point



Reuse Based on Location

Table 1: Deschutes Columbia

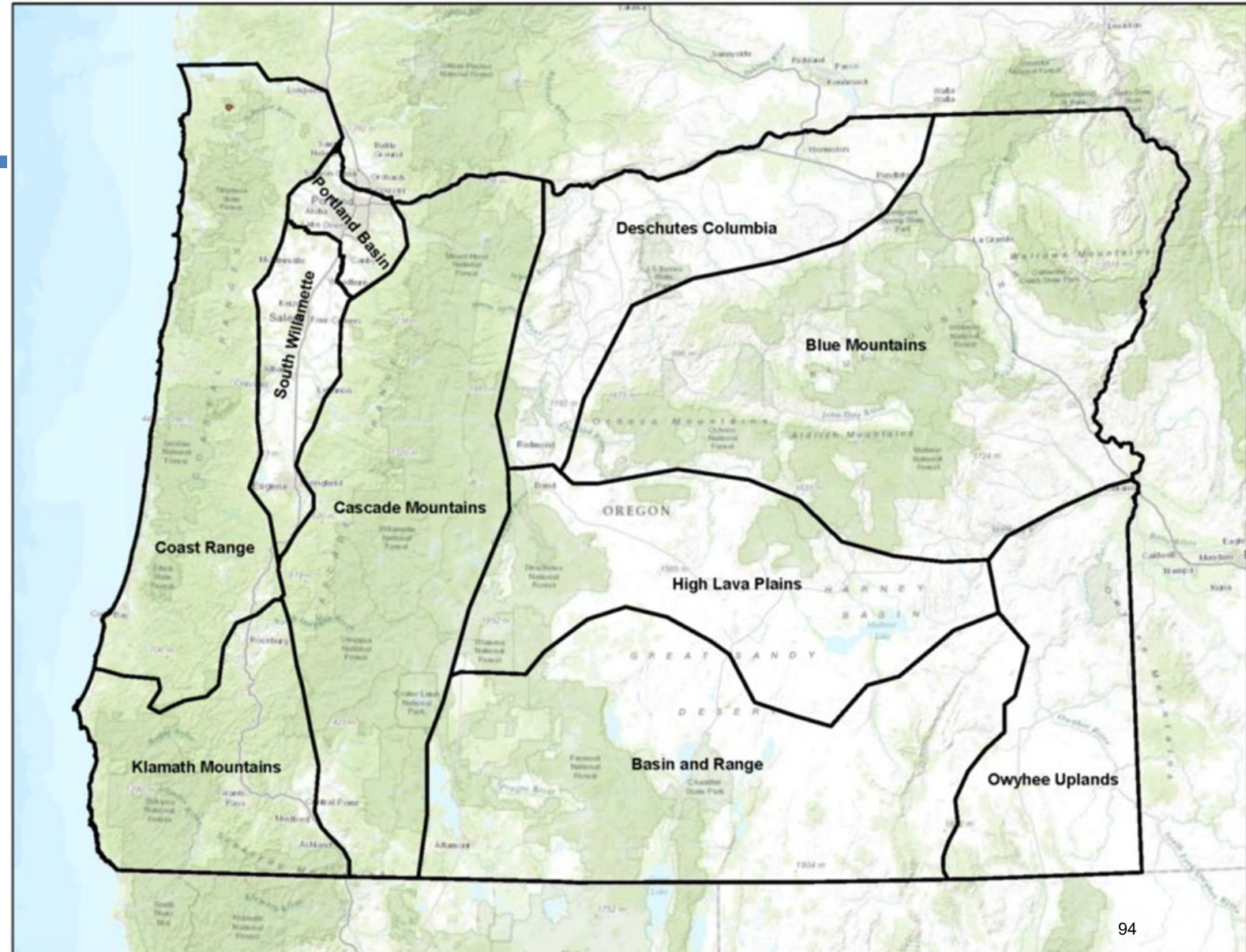
Province: Deschutes Columbia			
Depth (ft bgs)	Distance from edge of pavement (ft) →		
	0-15	15-30	30+
0-0.5	Non-residential construction fill	Non-residential construction fill	CFD
0.5-1.0	Non-residential construction fill	CFD	CFD
1.0-1.5 ↓	Non-residential construction fill	CFD	CFD

Table 2: Coast Range

Province: Coast Range			
Depth (ft bgs)	Distance from edge of pavement (ft) →		
	0-15	15-30	30+
0-0.5	Non-residential construction fill	CFD	CFD
0.5-1.0	Non-residential construction fill	CFD	CFD
1.0-1.5 ↓	Non-residential construction fill	CFD	CFD

Table 3: High Lava Plains

Province: High Lava Plains			
Depth (ft bgs)	Distance from edge of pavement (ft) →		
	0-15	15-30	30+
0-0.5	Non-residential construction fill	CFD	CFD
0.5-1.0	Non-residential construction fill	CFD	CFD
1.0-1.5 ↓	CFD	CFD	CFD



Geophysical Survey

- Underground storage tanks (USTs) or utility conflicts
- Recommend for any soil disturbance next to a listed UST(or Leaking UST) site, or any site that looks suspect







Structure Survey



Example

Assessment

- Hazardous Materials Corridor Study
 - ✓ Identify Concerns/Sites
- Shoulder Soil Assessment/Clean Fill Determination
 - ✓ Sample Waste Streams – shallow soil
- Geophysical Investigation
 - ✓ Identify problematic utilities and USTs
 - ✓ Inform investigations, estimate and contract
- Site-Specific Investigation
 - ✓ Sample Waste Streams – subsurface soil and groundwater
- If you have potential for contaminated groundwater on a project, you should do an investigation

Assume Contaminated

- Hazardous Materials Corridor Study
 - ✓ Identify Concerns/Sites
- Geophysical Investigation
 - ✓ Identify problematic utilities and USTs
 - ✓ Inform investigations, estimate and contract



Example

Assume Contaminated (Cont.)

- No Assessment for Shoulder Soil or Subsurface Soil/Groundwater
 - ☐ Assumptions (Contract and Estimate)
 - ☐ Contaminated Soil Disposal
 - ☐ Lead Compliance Plan
 - ☐ May need Health & Safety Plan
 - ☐ Segregate and Stockpile Soil
 - ☐ Sample Collection and Analytical Testing
 - ☐ Contaminated Groundwater Mobilization
 - ☐ Contaminated Groundwater Removal
 - ☐ Contract needs to be modified to describe sampling needs
 - ☐ Cost/Benefit – 50 cubic yards or less soil it may be reasonable to assume





Questions?

Kyle.roslund@odot.Oregon.gov



Environmental Training – Topic 4: Biology

Tom Loynes

- ODOT National Oceanic and Atmospheric Administration (NOAA) Fisheries Liaison – Endangered Species Act/Federal-Aid Highway Program (FAHP)
- 24 years with ODOT

Tom came to ODOT with 14 years of experience serving as a fish Habitat Biologist for the Oregon Department of Fish and Wildlife. Tom's areas of expertise include Fish Biology, Fish habitat, and Endangered Species Act.



Federal Aid Highway Programmatic (FAHP)

CUG Annual Meeting December 3, 2024



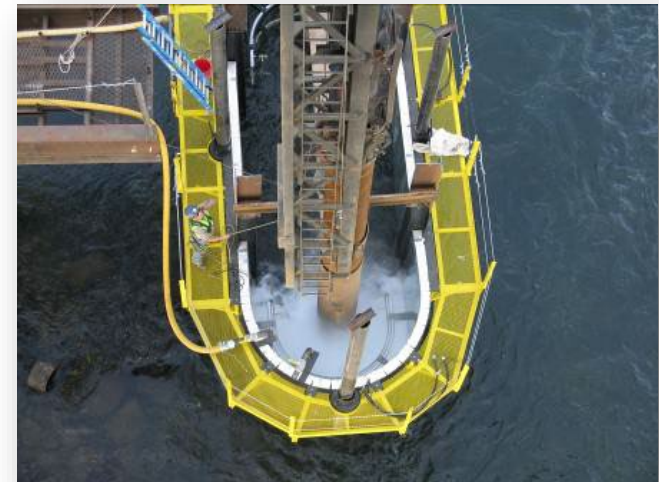
CONTAINMENT

Tom Loynes
ODOT/NOAA Liaison
Thomas.m.loynes@odot.Oregon.gov
503-881-6023



Early and Often Coordination

- Think about the high-risk elements of the project and coordinate with Region biologists and engineers when appropriate.



- For the FAHP this early coordination is a requirement. FHWA requires this to be documented.



Seriously consider the risks associated with In-water work area isolation. Temporary Water Management (TWM).

- Complex TWM needs more coordination.
- TWM pre-construction meeting.
- Timing and coordination is critical.
- Contractor needs to have a clear understanding on when and where they can work below Ordinary High Water (OHW).
- Contractor needs to look at TWM as a key aspect of the project.

CONTAINMENT





Consider future Stormwater needs. Advanced Opportunistic Stormwater Credit system.

- Look at long range planning.
- When scoping projects think about Stormwater constraints.
- If you have a constrained project, think about other projects that are on a similar timeline.
- Regional Stormwater facilities.
- On any FHWA funded project look for stormwater opportunities.

CONTAINMENT



Coordinate with Region Environmental staff on FAHP projects.

- Keep ODOT Region Environmental staff in the loop on communications and coordination with Agencies and Consultants.
- Cc them on project related items. Project changes, project timelines, etc.
- Site visits.



- Early coordination is at the concept plan level, not when a design has been done that may have to change due to stormwater. Late coordination is a design problem to be avoided.
- Early coordination considering the Area of Potential Impact (API) and how it will accommodate stormwater treatment facilities. Is there space or will we need to offset the impacts, which will either expand the API or create a second API.
- Water draining to the project area from outside of the proposed API may increase Contributing Impervious Area (CIA) to be treated.
- Tie in the consulting biologist and not just the engineer at these consult meetings.

CONTAINMENT

- There are potentially some differences between FAHP design standards and local agency design standards.
- Local standards may only be used if they meet or exceed the FAHP standards.
- Having biologist and hydraulic consultants that understand the FAHP requirements/process can avoid delays in getting NEPA completed.



Dev-stormwater.wef.org



Phoenixoregon.gov



CONTAINMENT

- Early and often coordination.

CONTAINMENT

CONTAINMENT

- Seriously consider the risks associated with the In-water work area isolation. Temporary Water Management.

CONTAINMENT

- Consider future stormwater needs. Advanced Opportunistic Stormwater Credit system.

CONTAINMENT

CONTAINMENT

- Coordinate with Region Environmental staff on FAHP projects.

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DRAFT CUG ANNUAL SCHEDULE 2025			
All-CUG Events	Steering Committee	Standards Subcommittee	Process Improvement & Training Subcommittee
<p><i>2025 Summer Work Session Options:</i></p> <p>June 17 (Tues) June 18 (Wed)</p> <p><i>2025 Annual Meeting Options:</i></p> <p>Dec 2 (Tues) Dec 3 (Wed)</p>	<p><i>General schedule: Quarterly</i></p> <p>Jan 23, 3:30 – 5:00pm April 16, 2 - 3:30pm July 24, 2 - 3:30pm Oct 23, 2 - 3:30pm</p>	<p><i>General schedule: Quarterly</i></p> <p>March 24, 3 – 4:30pm June 23, 3 – 4:30pm Sept 29, 3 - 4:30pm Nov 24, 3 – 4:30pm</p>	<p><i>General schedule: Quarterly</i></p> <p>March 19, 2 - 3pm June 26, 2 - 3pm Sept 11, 12:30 – 1:30 pm Nov 24, 1:30 – 3:00pm</p>





WE WANT TO HEAR FROM YOU!



Please respond to the following questions on a scale of 1 - Not at All to 5 - Very much so

To what extent did the event provide valuable information relevant to you/your organization?

4.5

How well organized was the event?

4.8

How engaging were the networking opportunities?

4.3

Not at all

Very much so

Positive Verbatims

“Everything is great! (6x)”

“Thank you!! (3x)”

“Great timing on the agenda. Presentations like this session are very valuable.”

“All of the environmental info sessions were great!”





What were the three most valuable sessions or activities for you today?



What could we do better next time?

Suggestions

- *Maybe more case study projects?*
- *Define acronyms! (2x)*
- *More frequent, shorter breaks*
- *Pictures in presenter's presentations were helpful, do more (2x)*
- *A little shorter to avoid traffic to Portland :) if that's even possible!*
- *Wednesdays are better for City of Portland. Thanks!*
- *Maybe a short description of what each bulletin was about Like 15 seconds each at most*
- *Audio/visual tech.*
- *Limit questions at the end to avoid going over times.*
- *Having more variety of speakers with different subjects to talk about.*
- *I think you should do separate trainings for Engineers and Contract Admin staff.*





Closing Remarks - Thank you for coming!

